

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 11

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, or other defense services from the United States to Poland.

In accordance with these discussions, it is proposed that the Government of Poland agree:

A. That the Government of Poland will not, unless the consent of the United States Government has first been obtained:

(I). Permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government of Poland;

(II). Transfer or permit any officer, employee or agent of the Government of Poland to transfer such articles or related training or other defense services by gift, sale or otherwise;

or

B. That said articles or related training or defense services shall be returned to the United States Government when they are no longer needed for the purposes for which they were furnished, unless the United States Government consents to another disposition;

C. That the net proceeds of sale received by the Government of Poland, in disposing of, with prior written consent of the United States Government, any defense article furnished by the United States Government on a grant basis, including scrap from any such defense article, will be paid to the United States Government; and

D. That the Government of Poland will maintain the security of such articles, related training, or other defense services, that it will provide substantially the same degree of security protection afforded to such articles or related training or other defense services by the United States Government; that it will, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States with regard to the use thereof by the Government of Poland.

E. That the Government of the United States may also from time to time make the provision of other defense articles, related training or other defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that act and United States regulations applicable to such transfers.)

The Ministry's reply stating that the foregoing is acceptable to the Government of Poland shall, together with this note, constitute an agreement between the two governments to be effective upon the date of the Ministry's reply.

The Embassy of the United States of America takes this opportunity to convey to the Ministry of Foreign Affairs of the Republic of Poland the assurances of its highest consideration.

Embassy of the United States of America,
Warsaw, February 10, 1993





Translation

Warsaw
October 13, 1993

The Ministry of Foreign Affairs of the Republic of Poland presents its compliments to the Embassy of the United States of America and has the honor to refer to its note no. 11 of February 10, 1993, concerning the terms for receiving donations from the United States under the Foreign Assistance Act of 1961, as amended, or subsequent legislation, and the furnishing of military hardware, related training, or other defense services.

The Ministry of Foreign Affairs would like to report that the Government of the Republic of Poland has agreed that:

A. The Government of the Republic of Poland will not, without the prior consent of the U.S. Government:

I. Permit any use of such military hardware, related training, or other defense services by anyone not an officer, employee, or agent of the Government of Poland;

II. Transfer or permit any officer, employee, or agent of the Government of Poland to transfer such military hardware, related training, or other defense services by gift, sale, or otherwise;

III. Use or permit the use of such hardware, related training, or other defense services for purposes other than those for which they were provided.

B. The above-mentioned hardware, related training, or other defense services shall be returned to the U.S. Government when they are no longer needed for the purposes for which they were provided, unless the U.S. Government consents to another disposition.

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C. Proceeds received by the Government of Poland from the disposition, with the prior written consent of the U.S. Government, of any military hardware provided by the U.S. Government in the form of a donation, including scrap from such hardware, will be paid to the U.S. Government.

D. The Government of the Republic of Poland will maintain the security of such hardware, related training, or defense services; it will provide essentially the same degree of security used by the U.S. Government; if the United States so requires, it will permit continuous observation and review by representatives of the U.S. Government and will furnish them with necessary information concerning the use thereof by the Government of the Polish Republic.

E. The U.S. Government may also, from time to time, make the provision of other military hardware, related training, or defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that act and by the U.S. regulations applicable to such transfers.)

This reply, together with the U.S. Embassy note no. 11 of February 10, 1993, shall constitute an understanding between the two governments to enter into force on the date of the Ministry's reply.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States its high consideration.